

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

STATE OF TENNESSEE, <i>ex rel.</i> ROBERT)	
E. COOPER, JR., ATTORNEY GENERAL,)	
)	No. 3:07-cv-0988
Plaintiff,)	
)	JURY DEMAND
)	
v.)	Judge Wiseman
)	
BRITLEE, INC., et al.,)	Magistrate Judge Griffin
)	
Defendants.)	

**PLAINTIFF STATE OF TENNESSEE’S
MOTION TO REMAND TO STATE COURT**

I. SUMMARY OF ARGUMENT

Plaintiff, State of Tennessee, ("State") by and through its undersigned attorneys, respectfully moves this Court to issue an order remanding this civil law enforcement proceeding to the Circuit Court of Montgomery County, Tennessee, for the Nineteenth Judicial District at Clarksville, Tennessee. As grounds for its motion, the State submits that remand is warranted because defendants have failed to carry their burden of demonstrating that this case presents a “federal question” or “arises under” the laws of the United States.

The State further submits that this case has already been pending for over two years and was again needlessly delayed by a removal to this Court on grounds which lack merit. The instant proceedings marks defendants’ second attempt to remove this case to this Court and merely presents a variation of the same argument this Court previously considered and

rejected in this case in *State of Tennessee v. Britlee, Inc., et al.*, Civil No. 3:05-0846, Trauger, J. (M.D. Tenn. January 3, 2006).¹

The State submits that this case was removed for the purpose of avoiding or delaying contempt proceedings currently pending against removing defendant Rome Finance Company, Inc. Because the second Notice of Removal lacks merit and was brought for an improper purpose, the State further moves this Court to enter an order awarding the State its reasonable costs and attorney fees incurred in having to bring this motion.

For all of these reasons, the State respectfully submits that this case should be immediately remanded to state court and all costs and attorney fees incurred by the State in connection with having to bring this motion to remand should be awarded to the State.

Respectfully submitted,
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CERTIFICATE OF SERVICE

¹ A copy of this Court's opinion in *State of Tennessee v. Britlee, Inc., et al.*, Civil No. 3:05-0846, Trauger, J. (M.D. Tenn. January 3, 2006) is attached as Exhibit A to the accompanying Memorandum in Support of the State of Tennessee's Motion to Remand, filed concurrently herewith.

I hereby certify that a true and exact copy of the foregoing document has been filed electronically and served pursuant to the Rules on the United States District Court for the Middle District of Tennessee at Nashville, to:

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